

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ONITA TUGGLES,

No. C-08-1914 JCS

Plaintiff,

v.

CITY OF ANTIOCH, et. al.,

Defendants.

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**COURT'S PROPOSED SPECIAL VERDICT FORM**

Dated: September 1, 2010

  
\_\_\_\_\_  
JOSEPH C. SPERO  
United States Magistrate Judge

**JURY VERDICT**

We, the jury, unanimously find as follows:

**1. Claim I:** Did Defendant Bittner discriminate against Plaintiff Tuggles based on her race, in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution? (Check one).

☐ Yes ☐ No

**If the answer to Question No. 1 is "YES," please proceed to Question No. 2. If the answer to Question No. 1 is "NO," please proceed directly to Question No. 4.**

**2. Claim II:** Did Defendant Bittner conspire to discriminate against Plaintiff on the basis of her race, in violation of 42 U.S.C. § 1985(3)? (Check one).

☐ Yes ☐ No

**If the answer to Question No. 2 is "YES," please proceed to Question No. 3. If the answer to Question No. 2 is "NO," please proceed directly to Question No. 4.**

**3. Claim III:** Did Defendant Bittner fail to prevent or aid in the prevention of race-based discrimination against Plaintiff, in violation of 42 U.S.C. § 1986? (Check one).

☐ Yes ☐ No

**Please proceed to Question 4.**

**4. Claim IV:** Did Defendant Bittner coerce, threaten, intimidate, or interfere with Plaintiff's right to fair housing, in violation of Section 3617 of the Fair Housing Act? (Check one).

☐ Yes ☐ No

**Please proceed to Question 5.**

**5. Claim V:** Did Defendant Bittner aid, abet, incite, compel, or coerce the owner or property manager of 1933 Paradise Peak Court to discriminate against or harass Plaintiff, or attempt to do so in violation Cal. Government Code § 12989.1/12955? (Check one).

☐ Yes ☐ No

**Please proceed to Question 6.**

**6. Claim VI:** Did Defendant Bittner discriminate against Plaintiff in the provision of law enforcement services, in violation of Cal. Government Code § 11135? (Check one).

☐ Yes ☐ No

**7.** If you answered “YES” to Questions Nos. 5 or 6 above, do you find that the City of Antioch is liable for Officer Bittner’s conduct under a theory of *respondeat superior*? (Check one).

☐ Yes ☐ No

**8.** If you answered “YES” to any of Questions 1-6 above:

What is the amount of compensatory damages that you award?

\$ \_\_\_\_\_

**9.** If you answered “YES” to any of Questions 1-6 above, do you find by a preponderance of the evidence that Defendant Bittner’s conduct was either malicious or committed in reckless disregard of Plaintiff Tuggles’ rights? (Check one).

☐ Yes ☐ No

**If yes, proceed to question 10.**

**10.** If you answered “YES” to Question 9, what is the amount of punitive damages that you award?

\$ \_\_\_\_\_

**PLEASE SIGN AND DATE THE SPECIAL VERDICT FORM**

**Signed:** \_\_\_\_\_

**Foreperson of the Jury:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

After this Verdict Form has been signed and dated, please submit a Jury Note to the Court Security Officer notifying the Court that the Jury has reached a verdict. Please return the Verdict Form to the Courtroom Deputy.